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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

DOMINIQUE GRADY,

Defendant and Appellant.

D076644

(Super. Ct. No. SCD277406)

APPEAL from a judgment of the Superior Court of San Diego County, Melinda J. Lasater, Judge. Affirmed.

Bruce L. Kotler, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Dominique Grady entered into a plea agreement, under the terms of which he pleaded guilty to voluntary manslaughter (Pen. Code,<sup>1</sup> § 192, subd. (a)) and admitted personal use of a firearm (§ 12022.5, subd. (a)). The parties stipulated to a term of 21 years in prison.

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<sup>1</sup> All further statutory references are to the Penal Code.

The court sentenced Grady in accordance with the plea agreement. Grady objected to the proposed restitution fine of \$6,300 on the basis he would be in prison and lacked the ability to pay. The court imposed a restitution fine of \$3,000 and ordered other fees and assessments.

At a later hearing, victim restitution was ordered in the amount of \$8,385.37.

Grady filed a timely notice of appeal.

Appellate counsel has filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*) indicating he has not been able to identify any arguable issues for reversal on appeal. Counsel asks the court to review the record for error as mandated by *Wende*. We offered Grady the opportunity to file his own brief on appeal. He has not responded.

#### STATEMENT OF FACTS

In his change of plea form, Grady stated he unlawfully killed a human being without malice upon a sudden quarrel or heat of passion, and that he personally used a gun in the commission of the crime.

#### DISCUSSION

As we have noted, appellate counsel has filed a *Wende* brief and asks the court to review the record for error. To assist the court in its review of the record, and in compliance with *Anders v. California* (1967) 386 U.S. 738 (*Anders*), counsel has identified the following possible issue that was considered in evaluating the potential merits of this appeal: Whether the trial court committed reversible error by finding Grady financially able to begin restitution payments while he is in prison.

We have reviewed the entire record as required by *Wende* and *Anders*. We have not discovered any arguable issues for reversal on appeal. Competent counsel has represented Grady on this appeal.

DISPOSITION

The judgment is affirmed.

HUFFMAN, Acting P. J.

WE CONCUR:

IRION, J.

DATO, J.